

FIRST REGULAR SESSION

SENATE BILL NO. 214

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Read 1st time January 20, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

0066S.011

AN ACT

To repeal sections 700.010, 700.100, and 700.650, RSMo, and to enact in lieu thereof three new sections relating to manufactured homes.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 700.010, 700.100, and 700.650, RSMo, are repealed

2 and three new sections enacted in lieu thereof, to be known as sections 700.010,
3 700.100, and 700.650, to read as follows:

700.010. As used in sections 700.010 to 700.500, for the purpose of
2 sections 700.010 to 700.500, the following terms mean:

3 (1) "Authorized representative", any person, firm or corporation, or
4 employee thereof, approved or hired by the commission to perform inspection
5 services;

6 (2) "Code", the standards relating to manufactured homes, or modular
7 units as adopted by the commission. The commission, in its discretion, may
8 incorporate, in whole or in part, the standards codes promulgated by the
9 American National Standards Institute, the United States Department of Housing
10 and Urban Development or other recognized agencies or organizations;

11 (3) "Commission", the public service commission;

12 (4) "Dealer", any person, other than a manufacturer, who sells or offers
13 for sale four or more [used homes or one or more new] manufactured homes, or
14 [one or more new] modular units in any consecutive twelve-month period;

15 (5) "Installer", an individual who is licensed by the commission to install
16 manufactured homes under sections 700.650 to 700.692;

17 (6) "Manufactured home", a factory-built structure or structures which,
18 in the traveling mode, is eight body feet or more in width or forty body feet or

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 more in length, or, when erected on site, contains three hundred twenty or more
20 square feet, equipped with the necessary service connections and made so as to
21 be readily movable as a unit or units on its or their own running gear and
22 designed to be used as a dwelling unit or units with or without a permanent
23 foundation. The phrase "without a permanent foundation" indicates that the
24 support system is constructed with the intent that the manufactured home placed
25 thereon may be moved from time to time at the convenience of the owner;

26 (7) "Manufacturer", any person who manufactures manufactured homes,
27 or modular units, including persons who engage in importing manufactured
28 homes, or modular units for resale;

29 (8) "Modular unit", a transportable building unit designed to be used by
30 itself or to be incorporated with similar units at a point-of-use into a modular
31 structure to be used for residential, commercial, educational or industrial
32 purposes. This definition shall not apply to structures under six hundred fifty
33 square feet used temporarily and exclusively for construction site office purposes;

34 (9) "New", being sold or offered for sale to the first purchaser for purposes
35 other than resale;

36 (10) "Person", an individual, partnership, corporation or other legal entity;

37 (11) "Premises", a lot, plot, or parcel of land including the buildings,
38 structures, and manufactured homes thereon;

39 (12) "Recreational park trailer", a recreational park trailer as defined in
40 the American National Standards Institute (ANSI) A119.5 Standard on
41 Recreational Park Trailers. A recreational park trailer is not a recreational
42 vehicle;

43 (13) "Recreational vehicle", a recreational vehicle as defined in the
44 American National Standards Institute (ANSI) A119.2 Standard on Recreational
45 Vehicles;

46 (14) "Seal", a device, label or insignia issued by the public service
47 commission, U.S. Department of Housing and Urban Development, or its agent,
48 to be displayed on the exterior of the manufactured home, or modular unit to
49 evidence compliance with the code;

50 (15) "Setup", the operations performed at the occupancy site which
51 renders a manufactured home or modular unit fit for habitation, which operations
52 include, but are not limited to, moving, blocking, leveling, supporting, and
53 assembling multiple or expandable units.

700.100. 1. The commission may refuse to register or refuse to renew the

2 registration of any person who fails to comply with the provisions of sections
3 700.010 to 700.115. Notification of unfavorable action by the commission on any
4 application for registration or renewal of registration must be delivered to the
5 applicant within thirty days from date it is received by the
6 commission. Notification of unfavorable action by the commission on any
7 application for registration or renewal of registration must be accompanied by a
8 notice informing the recipient that the decision of the commission may be
9 appealed as provided in chapter 386, RSMo.

10 2. The commission may consider a complaint filed with it charging a
11 registered manufacturer or dealer with a violation of the provisions of this
12 section, which charges, if proven, shall constitute grounds for revocation or
13 suspension of his registration, or the placing of the registered manufacturer or
14 dealer on probation.

15 3. The following specifications shall constitute grounds for the suspension,
16 revocation or placing on probation of a manufacturer's or dealer's registration:

17 (1) If required, failure to comply with the provisions of section 301.280,
18 RSMo;

19 (2) Failing to be in compliance with the provisions of section 700.090;

20 (3) If a corporation, failing to file all franchise or sales tax forms required
21 by Missouri law;

22 (4) Engaging in any conduct which constitutes a violation of the provisions
23 of section 407.020, RSMo;

24 (5) Failing to comply with the provisions of Sections 2301-2312 of Title 15
25 of the United States Code (Magnuson-Moss Warranty Act);

26 (6) As a dealer, failing to arrange for the proper initial setup of any new
27 manufactured home or modular unit sold from or in the state of Missouri, except
28 as allowed under subsection 5 of section 700.656; the dealer shall receive a
29 written waiver of that service from the purchaser or his or her authorized agent;

30 (7) Requiring any person to purchase any type of insurance from that
31 manufacturer or dealer as a condition to his being sold any manufactured home
32 or modular unit;

33 (8) Requiring any person to arrange financing or utilize the services of
34 any particular financing service as a condition to his being sold any manufactured
35 home or modular unit; provided, however, the registered manufacturer or dealer
36 may reserve the right to establish reasonable conditions for the approval of any
37 financing source;

- 38 (9) Engaging in conduct in violation of section 700.045;
39 (10) Failing to comply with the provisions of section 301.210, RSMo;
40 (11) Failing to pay all necessary fees and assessments authorized
41 pursuant to sections 700.010 to 700.115.

42 4. The commission may order that any suspension, revocation, or
43 probation ordered under subsection 3 of this section shall apply to all
44 manufacturer's or dealer's registrations that are held by the same manufacturer
45 or dealer or that are owned or controlled by the same person or persons if a
46 continued and consistent pattern of the violations have been identified by the
47 commission to be present with each [licensee] **registrant** under the same control
48 or ownership.

700.650. 1. Sections 700.650 to 700.692 shall be known and may be cited
2 as the "Manufactured Home Installation Act".

3 2. For the purposes of sections 700.650 to 700.692, the following terms
4 shall mean:

5 (1) "Applicant", a person who applies to the commission for a license or
6 limited-use license to install manufactured homes;

7 (2) "Commission", the Missouri public service commission;

8 (3) "Dealer", any person, other than a manufacturer, who sells or offers
9 for sale four or more [used homes or one or more new] manufactured homes[, or
10 one or more new modular units] in any consecutive twelve-month period;

11 (4) "Installation", work undertaken at the place of occupancy to ensure the
12 proper initial setup of a manufactured home which shall include the joining of all
13 sections of the home, installation of stabilization, support, and leveling systems,
14 assembly of multiple or expanded units, and installation of applicable utility
15 hookups and anchoring systems that render the home fit for habitation;

16 (5) "Installation standards", reasonable specifications for the installation
17 of a manufactured home;

18 (6) "Installer", an individual who is licensed by the commission to install
19 manufactured homes, pursuant to sections 700.650 to 700.692;

20 (7) "Manufactured home", a manufactured home as that term is defined
21 in subdivision (6) of section 700.010;

22 (8) "Manufacturer", any person who manufactures manufactured homes,
23 including persons who engage in importing manufactured homes for resale; and

24 (9) "Person", an individual, partnership, corporation, or other legal entity.